

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

BRIAN WHITE, §
§
v. § Civil Action No. 4:22-cv-713-SDJ-KPJ
§
STATEBRIDGE COMPANY, LLC, ET §
AL. §

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636.

On April 27, 2022, Plaintiff Brian White (“Plaintiff”) filed this lawsuit against Defendants U.S. Bank National Association, as trustee for the Registered Holders of MASTR Asset Backed Securities Trust 2007-WMC1 Mortgage Pass-Through Certificates Series 2007-WMC1 (“U.S. Bank”), PHH Mortgage Corporation (“PHH”), and Statebridge Company, LLC (“Statebridge”, and together “Defendants”). *See* Dkt. #1. On August 19, 2022, Defendants U.S. Bank and PHH filed a Notice of Removal, (Dkt. #1). Statebridge consented to the removal of the State Court action. *See id.* at 2.

On August 26, 2022, U.S. Bank and PHH filed their Motion to Dismiss (“U.S. Bank and PHH’s Motion”), (Dkt. #5). On November 3, 2022, the Magistrate Judge ordered Plaintiff file a response to U.S. Bank and PHH’s Motion to Dismiss, (Dkt. #5), as Plaintiff had not filed a response by October 26, 2022. *See* Dkt. #14. The Magistrate

Judge further ordered the Clerk of Court serve the November 3, 2022 Order, (Dkt. #14), by certified mail return receipt requested and to Plaintiff's email address. *See id.* at 1. Plaintiff did not file a response.

On February 6, 2023, the Magistrate Judge filed the Report and Recommendation, (Dkt. #18), recommending that U.S. Bank and PHH's Motion to Dismiss, (Dkt. #5), be granted and all claims against U.S. Bank and PHH be dismissed with prejudice. *See Dkt. #18.* The Magistrate Judge further ordered the Clerk of Court serve the Report and Recommendation, (Dkt. #18), by certified mail return receipt requested and to Plaintiff's email address. *See id.* Plaintiff did not file objections to the Report and Recommendation, (Dkt. #18). On March 10, 2023, the Court entered the Memorandum Order Adopting Report and Recommendation, (Dkt. #19), granting U.S. Bank and PHH's Motion to Dismiss, (Dkt. #5), and dismissing with prejudice Plaintiff's claims against U.S. Bank and PHH.

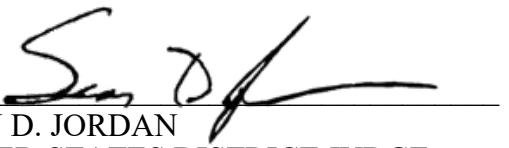
On March 20, 2023, the Magistrate Judge ordered Plaintiff file a status report regarding the status of this case on or before fourteen (14) days of receipt of the March 20, 2023 Order. *See Dkt. #22.* The Magistrate Judge further advised Plaintiff that failure to file a status report or otherwise act will result in the Court recommending this matter be dismissed without prejudice. *See id.* On May 1, 2023, the Magistrate Judge entered the Order and Report and Recommendation of the United States Magistrate Judge (the "Report"), (Dkt. #24), recommending Plaintiff's claims be dismissed without prejudice for want of prosecution.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

Accordingly, Plaintiff's remaining claims are **DISMISSED WITHOUT PREJUDICE.**

All relief not previously granted is **DENIED**. The Clerk is directed to **CLOSE** this civil action.

So ORDERED and SIGNED this 26th day of May, 2023.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE